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IN THE UNITED STATES DISTRICT COURT
2
EASTERN DISTRICT OF CALIFORNIA3
UNITED STATES,
4
Plaintiff,5
vs.6
CHALONER SAINTILLUS,
Defendant.Sacramento, California
No. 2:20-cr-00213-KJM
Friday, January 7, 2022
9:01 a.m.7
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TRANSCRIPT OF PROCEEDINGS
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STATUS CONFERENCE
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BEFORE THE HONORABLE KIMBERLY J. MUELLER, CHIEF JUDGE11
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APPEARANCES:13
For the Government:14
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*Proceedings recorded by mechanical stenography, transcript
produced by computer-aided transcription*

1 SACRAMENTO, CALIFORNIA, Friday, January 7, 2022, 9:01 a.m.

2 --oo--

3 (In open court.)

4 THE CLERK: Now calling criminal case 20-213; United
5 States versus Chaloner Saintillus. This matter is on for
6 status conference re competency, your Honor.

7 MR. BAIGMOHAMMADI: Good morning, your Honor. Hootan
8 Baigmohammadi.

9 THE COURT: Wait a minute. Hold on. Let's wait for
10 your client to be seated.

11 MR. BAIGMOHAMMADI: Okay.

12 THE COURT: All right. We may now proceed.
13 Let's actually start with the government.

14 MR. STEFANKI: Good morning, your Honor. Sam
15 Stefanki on behalf of the United States.

16 THE COURT: Good morning, Mr. Stefanki.
17 And for the defense?

18 MR. BAIGMOHAMMADI: Good morning, your Honor. Sorry
19 I jumped the gun.

20 THE COURT: Fair enough.

21 MR. BAIGMOHAMMADI: Hootan Baigmohammadi, federal
22 defender, on behalf of --

23 THE DEFENDANT: No, you're not.

24 THE COURT: Wait to be called upon, sir.

25 MR. BAIGMOHAMMADI: -- on behalf of Mr. Saintillus.

1 THE DEFENDANT: No, you're not.

2 MR. BAIGMOHAMMADI: Present, in custody.

3 THE DEFENDANT: You don't represent me. You're not
4 my attorney.

5 THE COURT: Sir, wait to be called on.

6 THE DEFENDANT: I am Moorish-American --
7 Haitian-American, by the way.

8 THE COURT: All right. Good morning,
9 Mr. Baigmohammad.

10 This is on for a status conference. And I note that
11 Mr. Saintillus --

12 THE DEFENDANT: In propria persona sui juris.

13 THE COURT: So, Mr. Baigmohammad, help me understand
14 what you believe you need to accomplish today.

15 MR. BAIGMOHAMMADI: My understanding is that we're
16 going to --

17 THE DEFENDANT: You're not my attorney.

18 THE COURT: Mr. -- please remain quiet.

19 THE DEFENDANT: I don't communicate with him.

20 THE COURT: I'm going to have to remove you from the
21 courtroom if you don't wait to be called upon.

22 MR. BAIGMOHAMMADI: Can I have I moment with him,
23 please, your Honor?

24 THE COURT: All right. If you're requesting that.
25 Do you want a full recess?

1 THE DEFENDANT: No.

2 MR. BAIGMOHAMMADI: I think it will be very brief.

3 THE COURT: All right.

4 MR. BAIGMOHAMMADI: Just let him know what's
5 happening, might help him.

6 THE COURT: All right.

7 (Discussion between defendant and Mr. Baigmoammadi.)

8 MR. BAIGMOHAMMADI: Thank you, your Honor. We're
9 ready to proceed.

10 THE COURT: All right.

11 MR. BAIGMOHAMMADI: So I think the issues are, first,
12 competency. And then, second, a Faretta hearing.

13 THE COURT: All right. So regarding competency, this
14 is set for a status, not an evidentiary hearing. There's no
15 request for an evidentiary hearing.

16 MR. BAIGMOHAMMADI: Correct.

17 THE COURT: The Court has received the Bureau of
18 Prisons' evaluation. Counsel has had a chance to review that,
19 I presume.

20 MR. BAIGMOHAMMADI: Correct. Yes, your Honor.

21 THE COURT: So the official position on the defense?

22 MR. BAIGMOHAMMADI: We submit on the report.

23 THE COURT: All right. Mr. Stefanki, anything to
24 say?

25 MR. STEFANKI: The government's only request, your

1 Honor, is just to protect the record if the defendant can be
2 advised that he does have the opportunity to testify and
3 present evidence today, just to ensure that his competency
4 evaluation is to be ruled on by the Court and complies with the
5 statutory obligations under 18 U.S.C. Section 4243.

6 THE COURT: All right.

7 Mr. Baigmoammadi, is it your representation that
8 Mr. Saintillus has been so advised?

9 MR. BAIGMOHAMMADI: He has been advised, your Honor.
10 So he has been advised, your Honor. Given that the report
11 concurs that he is competent and his desire that's in favor of
12 what he wishes to do, we don't have any intention to testify as
13 to the competency issue. We're not intending for any evidence
14 today.

15 THE COURT: All right. Then there's also a request
16 for a Faretta proceeding?

17 MR. BAIGMOHAMMADI: Right.

18 THE COURT: So you're representing Mr. Saintillus
19 stands by his request to represent himself, correct?

20 MR. BAIGMOHAMMADI: Correct.

21 THE COURT: All right. Then I'm going to convene an
22 in-camera session to discuss that matter initially to determine
23 whether or not I proceed to a Faretta colloquy, which I would
24 do in open court.

25 So, Mr. Stefanki, if you could please step outside.

1 MR. STEFANKI: Thank you, your Honor.

2 THE COURT: We'll let you know when you can come
3 back.

4 (Sealed proceedings under separate file.)

5 THE COURT: All right. We're back in open court.
6 The transcript will be unsealed from this point forward.

7 Mr. Stafanki, so that you know, I have found that there has
8 been a breakdown in communications, I believe, with Ms. Crager
9 and Mr. Baigmohammadi as counsel in the matter. I am prepared
10 to consider Mr. Saintillus' request to represent himself, but I
11 let him know I need to ask him quite a few questions first, so
12 I'm going to proceed with a Faretta colloquy, as we call it, at
13 this point in time.

14 So, Mr. Saintillus, again, I need to ask you quite a few
15 questions. If you don't understand a question --

16 THE DEFENDANT: I'm not Mr. Saintillus.

17 THE COURT: Well, I've asked you for clarification on
18 that point. And I'm telling you that there is a document in
19 front of me identifying you in that way, and that's the name
20 I'm going to use.

21 THE DEFENDANT: Is that the so-called deed of trust
22 or the birth certificate?

23 THE COURT: No, it is the indictment charging you
24 with a federal crime.

25 So, Mr. Saintillus, I do understand you wish to waive your

1 constitutional right to counsel and represent yourself; is that
2 correct?

3 THE DEFENDANT: Yes.

4 THE COURT: You have a right to be represented by an
5 attorney at all stages of these proceedings. And if you are
6 unable to hire one, the Court will appoint an attorney to
7 represent you if you wish at no cost to you, as the Court has
8 done previously.

9 Do you understand that right?

10 THE DEFENDANT: I understand.

11 THE COURT: You also have a constitutional right to
12 represent yourself, but it's almost always not wise to do so,
13 and the chances are if you represent yourself you are going to
14 get yourself convicted.

15 Do you understand that?

16 THE DEFENDANT: I overstand.

17 THE COURT: Do you understand that?

18 THE DEFENDANT: I overstand that.

19 THE COURT: How do you define "overstand"?

20 THE WITNESS: In propria persona sui juris. Reserve
21 my rights.

22 THE COURT: Well, let me continue to ask you
23 questions. And again, if I have concerns about your ability to
24 represent yourself to your full understanding of your ability
25 to represent yourself, I'll make a final decision once I'm

1 through with the questions that I ask.

2 Have you ever studied law, sir? Can you respond to that
3 question?

4 THE DEFENDANT: Can you ask an appropriate question?

5 THE COURT: Have you ever studied law?

6 THE DEFENDANT: Of course.

7 THE COURT: Have you ever represented yourself or any
8 other defendant in a criminal action?

9 THE DEFENDANT: Yes.

10 THE COURT: You are charged here in an indictment
11 that I've been mentioning. That indictment was filed in
12 November of 2020, and you are charged with conspiracy to
13 distribute a controlled substance and four counts of
14 distribution of a controlled substance.

15 Do you understand those are the charges pending against
16 you?

17 THE DEFENDANT: I overstand it. I'm here for
18 settlement and discharge on those charges on behalf of the
19 defendant.

20 THE COURT: Do you understand that those are the
21 charges pending against you?

22 THE DEFENDANT: I overstand.

23 THE COURT: Do you realize that if you're found
24 guilty of the crimes -- multiple crimes charged in the
25 indictment, you can be sent to prison many years and face

1 | criminal fines and penalties?

2 THE DEFENDANT: I overstand that.

3 THE COURT: All right. I'm construing your response
4 that you "overstand" to mean what I understand to be the word
5 "understand," just so that's clear.

6 Specifically, the conspiracy charge carries a mandatory
7 minimum of ten years incarceration based on the statute.

8 Do you understand that you could be looking at at least ten
9 years up to life in prison on that charge and a fine of up to
10 \$10 million or both imprisonment and a fine?

11 | THE DEFENDANT: I understand.

16 Do you understand those?

17 THE DEFENDANT: Morrish-Haitian American in propria
18 persona sui juris, I overstand, and I challenge the
19 jurisdiction of the Court.

20 THE COURT: Do you also understand that on each
21 charge, five separate charges, you're facing a mandatory
22 special assessment of \$100, so a total of \$500 potentially?

23 Do you understand that?

24 THE DEFENDANT: I overstand. And I overstand that I
25 am the creditor and sole beneficiary of this trust.

1 THE COURT: Also, on each count there is the -- in
2 one case, a mandatory term of supervised release following any
3 term of incarceration. So on Count One, if you're convicted,
4 the statute provides for at least five years of supervised
5 release by probation up to life. And on Counts Two through
6 Five, the term of supervised release is three years.

7 Do you understand that supervised release is also a
8 possibility if you are convicted?

9 THE DEFENDANT: I overstand, and I understand that I
10 am not this three-fifths of a person or U.S. property,
11 Fourteenth Amendment corporate citizen.

12 THE COURT: Do you realize that the United States
13 Sentencing Commission has issued sentencing guidelines that the
14 Court is required to consult if you are convicted before I
15 sentence you?

16 THE DEFENDANT: I overstand, and I have divine
17 constitutional Moorish-American, and I challenge jurisdiction
18 status. I am Morrish-Haitian American.

19 THE COURT: Do you realize that if you represent
20 yourself you would be entirely on your own during trial? I
21 would not be able to tell you how to try the case or provide
22 any advice whatsoever? Understand?

23 THE DEFENDANT: In propria persona sui juris. Yes,
24 overstand.

25 THE COURT: Are you familiar with the Federal Rules

1 of Evidence?

2 THE DEFENDANT: Yes.

3 THE COURT: You understand that they will govern what
4 evidence may or may not be introduced at trial?

5 THE DEFENDANT: I overstand. And I'm in propria
6 persona sui juris. Morrish-Haitian American.

7 THE COURT: You understand that during any trial, if
8 you do represent yourself, you will be held to the Rules of
9 Evidence, you must comply with them, you must follow them, you
10 must follow all other court rules applicable to a federal
11 criminal trial, understood?

12 THE DEFENDANT: I understand that I'm Morrish-Haitian
13 American, and I'm here on behalf of the defendant, corporate
14 citizen or so-called slave.

15 THE COURT: The rules that apply to a federal
16 criminal case are also embodied in the Federal Rules of
17 Criminal Procedure, and they govern how a case should be tried.

18 Have you had a chance to review those rules and understand
19 them?

20 THE DEFENDANT: Full faith and credit shall be proven
21 that any public act for judicial proceedings. I overstand I am
22 Morrish-Haitian American, and I am here on behalf of the
23 defendant. I am the creditor and sole beneficiary of this
24 trust. So can you please provide the county charge invoice
25 with the penal form?

1 THE COURT: At this point I am trying to decide if
2 you can represent yourself. So here's my question.

3 THE DEFENDANT: I want to balance the Court's books.

4 THE COURT: Do you understand that you must abide by
5 the Federal Rules of Criminal Procedure if you proceed on your
6 own after today?

7 THE DEFENDANT: I overstand.

8 THE COURT: I must tell you that it is my opinion,
9 and it's true in every case, it's not just your case. But
10 whenever a defendant comes to me and says he or she wishes to
11 represent him or herself, it is my opinion that you would be
12 far better defended by a trained attorney than you can be by
13 yourself.

14 THE DEFENDANT: Like I said I stated before, I'm
15 going in propria persona sui juris with no disabilities.

16 THE COURT: It's my duty to let you know that I think
17 it is very unwise of you to try to represent yourself, and I'm
18 going to review with you some of the dangers and disadvantages
19 of representing yourself. So I want to make certain you do
20 hear and understand what I'm saying.

21 You are not familiar -- even if you've read some laws and
22 are familiar with some rules generally -- you are not familiar
23 with the law or procedure or the Rules of Evidence in the way
24 that a trained attorney is.

25 And you will be held to follow the rules in making any

1 motions and objections and in trying to present evidence, the
2 same rules will apply to lawyers -- will apply to you that will
3 apply to the lawyers, even if you make mistakes. The Court
4 will not be able to give you any special privileges or
5 benefits, and I will not be able to assist you in any way if
6 you do proceed on your own to make up for your lack of legal
7 understanding.

8 Do you understand that?

9 THE DEFENDANT: I overstand. I'm here to challenge
10 jurisdiction and status of the Court, that I am Morrish-Haitian
11 American and in propria persona sui juris.

12 THE COURT: Do you understand the prosecution will be
13 represented by a skilled and trained professional attorney who
14 will give you no breaks because you are experienced in matters
15 of the law?

16 THE DEFENDANT: I ask for all transcripts for the
17 record, and I overstand.

18 THE COURT: Unlike the prosecutor in this case, you
19 will be exposed to dangers and disadvantages of not knowing the
20 complexities of the jury selection, what constitutes the
21 permissible opening statement to the jury, what is admissible
22 evidence, what is appropriate direct and cross-examination,
23 what motions you must make and when to make them during the
24 trial to permit you to make post-trial motions and protect your
25 rights on appeal. You also will not understand what

1 constitutes appropriate closing argument to the jury.

2 Do you understand all of that?

3 THE DEFENDANT: I overstand. And any jury shall be
4 the selection of my peers as I am a part of this
5 Moorish-American government. I have a divine Constitution in
6 front of me of Moorish-American. And if you want the Haitian
7 Constitution, it can be made available upon request.

8 THE COURT: I'm following the laws applicable in this
9 U.S. District Court.

10 THE DEFENDANT: Well, I'm challenging the
11 jurisdiction and status of the Court.

12 THE COURT: I understand that motion. Until you
13 represent yourself, no such motion is pending before the Court.
14 And you're continuing to say that is, in fact, a reflection of
15 your not understanding the Rules of Criminal Procedure.

16 Let me ask you this. If you get cold feet later and decide
17 you want a lawyer to defend you, you run the risk that I will
18 hold you to your decision now in order to avoid disruption of
19 the Court's schedule that any continuance would cause.

20 Do you understand that?

21 THE DEFENDANT: I overstand. For the record, an
22 officer of the court, in your opinion, she's not in my care,
23 she's not a part of the Moorish-American government. As I
24 said, I'm Moorish-Haitian American. Anybody shall be
25 represented of anything shall be of my peers.

1 THE COURT: Well, you have the right to all of the --
2 all of the fair and just procedures available to you in this
3 Court under the U.S. Constitution, and that's how we're
4 proceeding.

5 Let me understand because I'm not certain I got a clear
6 answer. If you're telling me you want to represent yourself
7 now, if I approve that request and you change your mind later
8 and decide you want a lawyer to represent you, I may not grant
9 any lawyer, if I give you one, time to analyze your case, and
10 that could harm you. Because the lawyer would have no time to
11 prepare for trial and other matters. Do you understand that?

12 THE DEFENDANT: As long as I have my full hearing and
13 I have my opportunity to be heard, I overstand.

14 THE COURT: All right. So you understand if you go
15 on your own now, you may not get an attorney later or you may
16 get an attorney too late to be as helpful.

17 THE DEFENDANT: I overstand, correct.

18 THE COURT: You understand that I'm urging you in the
19 strongest possible terms to not try to represent yourself,
20 correct?

21 THE DEFENDANT: As long as I have my opportunity to
22 be heard in the full hearing to present my evidence, I
23 overstand, yes.

24 THE COURT: If you are granted permission to
25 represent yourself and get yourself convicted, you will not be

1 able to complain on appeal that you made a bad decision and
2 that you're self-representation was inadequate.

3 Do you understand that?

4 THE DEFENDANT: Let the record reflect that I
5 challenge the jurisdiction and status, and I overstand, yes.

6 THE COURT: Do you understand everything I've said
7 until now?

8 THE DEFENDANT: I overstand, yes.

9 THE COURT: Do you have any questions about anything
10 I've said until now?

11 THE DEFENDANT: No.

12 THE COURT: Do you also understand that if during any
13 court proceeding, including trial, if you don't conduct
14 yourself in the way that we expect litigants to behave in a
15 courtroom, every litigant, all the lawyers, that I then may
16 revoke your status of representing yourself?

17 THE DEFENDANT: Harama Bush (phonetic) is fully
18 conscious and is speaking, I am speaking in the living spirit
19 of God, I overstand.

20 THE COURT: The court reporter missed some of that.
21 Can you restate that answer?

22 THE DEFENDANT: Why was that? I said Harama Bush
23 (phonetic) is fully conscious and aware of himself, I am
24 speaking in the living spirit of God.

25 THE COURT: Madam court reporter, you can do the best

1 you can.

2 THE DEFENDANT: Harama Bush (phonetic).

3 THE COURT: Again, I want to make certain that you
4 are responding to my question. Everyone in this courtroom is
5 expected to conduct him or herself according to the highest
6 standards of professionalism and according to all the rules of
7 the Court, and including the rules this Court sets for this
8 courtroom.

9 Do you understand that if you don't follow those rules and
10 I determine that you're disrupting proceedings, that I then --
11 even if I approve you're going on your own for now, I could
12 later revoke your status of representing yourself.

13 Do you understand that?

14 THE DEFENDANT: My nationality in part was taken at
15 the arrest where is not in my property, I overstand.

16 THE COURT: All right. I'm taking the "overstand" as
17 a response to that question.

18 In light of the penalties that you might suffer if you are
19 found guilty on any charge or all charges pending against you
20 and in light of all the difficulties of representing yourself,
21 is it still your desire to represent yourself and give up your
22 right to be represented by a lawyer?

23 THE DEFENDANT: For the record, my name is spelled
24 capital S, lower case H-A-L-A-M, capital C. Family name,
25 capital S, lower case A-I-N-T-I-L-L-U-S, and tribal name is

1 capital B-E-Y. I overstand.

2 THE COURT: Here I need a yes-or-no answer. Is it
3 still your desire to represent yourself taking account of
4 everything I've reviewed with you?

5 THE DEFENDANT: In propria persona sui juris, yes.

6 THE COURT: And it is your desire to give up your
7 right to be represented by a lawyer?

8 THE DEFENDANT: Yes, I want to come in my proper
9 person.

10 THE COURT: Is it your decision entirely on your own?

11 THE DEFENDANT: Yes.

12 THE COURT: And so you would say it is a voluntary
13 decision?

14 THE DEFENDANT: Yes.

15 THE COURT: All right. Mr. Stafanki, have I covered
16 everything I need to at this point?

17 MR. STEFANKI: I believe so, your Honor. I do have
18 one potential, again, overly-formal request, if the Court would
19 indulge.

20 Just for the record, would the Court confirm that the Court
21 made a finding that the defendant was competent to proceed
22 prior to engaging in the Faretta hearing?

23 THE COURT: That's next on my list. I wanted to get
24 through the colloquy to see if I had in doubts about that.

25 MR. STEFANKI: My apologies, your Honor.

1 THE COURT: So before I do ask the ultimate question
2 of Mr. Saintillus. I have listened carefully to his answers
3 during this colloquy, I've observed him carefully, I also have
4 reviewed the forensic evaluation prepared by the Federal Bureau
5 of Prisons, I received it. It is under seal. It is a 15-page
6 report signed by Tiffany K. Smith, a forensic psychologist, and
7 S. Shelton, a forensic psychologist, acting chief psychologist
8 at the Metropolitan Detention Center in Los Angeles,
9 California.

10 And without disclosing all of the contents, I just am
11 reviewing the ultimate opinion presented in that report. And
12 I'm finding that the record here is consistent, and I'm
13 accepting the conclusion of those professionals that there is
14 no objective information or evidence to indicate that
15 Mr. Saintillus currently suffers from signs or symptoms of
16 major mental disorder.

17 Nothing is before the Court to suggest that he has a
18 present inability to understand the nature and consequences of
19 the court proceedings against him. He's indicated that he
20 wishes to proceed on his own, but specifically the
21 professionals address whether or not he is impaired if he
22 wishes to represent himself, and conclude that he is not. He
23 evidenced stable mental status throughout the evaluation and
24 provided coherent responses to information, coherent and
25 consistent information.

1 The professionals do address the -- some of the content of
2 what Mr. Saintillus says. But having considered that, they
3 conclude that he's able to ascertain reality, realistically
4 appraises behavior, converses in a logical and coherent manner.

5 They predict he will likely continue to assert the
6 Moorish-American sovereign rights, but it is volitional and
7 goal directed and not derived from an underlying mental
8 disorder.

9 They do signal that the communications might become
10 disruptive, but that's ultimately for the Court to determine,
11 and I have been able to get through the colloquy with
12 Mr. Saintillus this morning.

13 So one final time, Mr. Saintillus. You are affirmatively
14 requesting to represent yourself going forward in this case; is
15 that correct?

16 THE DEFENDANT: In propria persona sui juris. And
17 back to the examiner, also reserved all rights under the
18 UCC 1-308. And I ask the Court to clarify who they're
19 referring to for the exam. Whether it is the so-called U.S.
20 citizen which is property or the --

21 THE COURT: I asked you a yes-or-no question. Are
22 you affirmatively telling the Court that you wish to represent
23 yourself going forward in this matter?

24 THE DEFENDANT: In propria persona sui juris, yes.

25 THE COURT: I accept the "yes" as a response to that

1 question.

2 Based on this record, taking account of the evaluation, I
3 do find that Mr. Saintillus has knowingly and voluntarily
4 waived his right to counsel, he understands what he is doing,
5 and he has the mental capacity, the intellectual capacity to
6 make that decision on his own; therefore, I am going to permit
7 him to represent himself. At this point I am not going to
8 appoint standby counsel. I've alerted Mr. Saintillus to the
9 possibility that if there is disruption of court proceedings,
10 that I will consider revoking pro per status, or I might
11 consider appointing standby counsel, but we'll cross that
12 bridge when we come to it.

13 At this point, again, the Federal Defender's Office is
14 relieved. Mr. Saintillus, you will proceed as your own
15 attorney in this matter.

16 Do we need to set a next status, Mr. Stafanki?

17 MR. STEFANKI: Yes, your Honor, we do.

18 THE DEFENDANT: I know I send mail --

19 THE COURT: Wait. You need to wait for me to call on
20 you. That's part of following the rules here.

21 What date would you propose?

22 MR. STEFANKI: Your Honor, the government would
23 request a date in late February, if one is available.

24 THE COURT: February 28th?

25 MR. STEFANKI: That's amenable to the government,

1 your Honor.

2 THE COURT: All right. February 28th work for you,
3 Mr. Saintillus?

4 THE DEFENDANT: Yes.

5 THE COURT: All right. So February 28th, we'll set
6 that as a status.

7 Mr. Baigmoammadi, are you still in the courtroom?

8 MR. BAIGMOHAMMADI: Yes, I am.

9 THE COURT: Do you need to deliver files to
10 Mr. Saintillus?

11 MR. BAIGMOHAMMADI: We can arrange for that, your
12 Honor, whatever he is requesting. All of the discovery, yes,
13 we can do that.

14 THE COURT: All right. So I would direct you to do
15 that promptly, no later than by the end of next week.

16 So, Mr. Saintillus, you should receive all of the materials
17 to which you have a right in the next week. Was there
18 something else you wanted to say, Mr. Stafanki?

19 MR. STEFANKI: No, your Honor. The government will
20 have a motion under the Speedy Trial Act, but nothing else.

21 THE COURT: All right. So the next question is, at
22 this point the Court has continued to schedule these sessions
23 by videoconference, particularly given the cresting of the
24 omicron variant right now.

25 Would you waive personal appearance and agree to appear by

1 videoconference on February 28th, Mr. Saintillus?

2 THE DEFENDANT: No. I like to be in person.

3 THE COURT: All right. So that is noted. At this
4 point we will still keep you on the February 28th calendar, but
5 if we are still holding criminal law and motion by
6 videoconference, we will likely special set the matter and move
7 it to the Wednesday when. We're doing in-person proceedings
8 usually -- we've specially set this this morning, but usually
9 we're having in-person proceedings on Wednesday.

10 So Ms. Kennison or Ms. Schultz, the courtroom deputy, will
11 make certain everyone knows what the plans are for the week of
12 February 28th.

13 THE DEFENDANT: I would like a copy of the
14 transcripts as well.

15 THE COURT: You can request from Mr. Baigmohammadi
16 whatever he has. And to the extent he doesn't already have
17 transcripts, then the rules apply to your making that request.
18 So you should study the rules, and if you need to make a
19 request directly to the Court for those, you may, subject to
20 the rules and proper procedures.

21 THE DEFENDANT: How would I send you a letter?

22 THE COURT: This is where I don't give you advice,
23 sir.

24 THE DEFENDANT: Thank you.

25 THE COURT: So you've decided you wish to be on your

1 own, and you're on your own.

2 THE DEFENDANT: Thank you. Honor to Judge Mueller.

3 THE COURT: All right. So you are now seeking to
4 exclude time, Mr. Stafanki?

5 MR. STEFANKI: The government is, your Honor, thank
6 you. The defendant will need time to review the many hundreds
7 of pages of discovery including the many files that have been
8 produced by the government in this case. The government is
9 asking for a T4 time exclusion. And for the sake of the
10 record, the government is also noting there is a pending motion
11 to dismiss filed by the defendant prior to his initial
12 appearance.

13 THE DEFENDANT: I'll be updating that.

14 THE COURT: Wait, you need to not speak over anyone.
15 Mr. Stefanki, a pending motion to dismiss?

16 MR. STEFANKI: Yes, your Honor. It's filed at docket
17 number 8, when the defendant was represented by counsel.
18 Defense counsel had stated on the record that while they did
19 not intend to withdraw the motion, they requested it
20 essentially be held in abeyance.

21 So now that the defendant is representing himself, the
22 government will proceed to file a reply to that motion, and
23 time will be excluded under the Speedy Trial Act for the
24 purpose of a pending pretrial motion.

25 THE COURT: All right. Mr. Saintillus, there is a

1 motion to dismiss that was filed February 1st of 2021. And so
2 the government is saying it will file an opposition to that,
3 and then you may file a reply.

4 If you decide to withdraw the motion to dismiss, you can
5 follow the rules and procedures and let the Court and the
6 government know.

7 THE DEFENDANT: I would like an update.

8 THE COURT: You would like to what?

9 THE DEFENDANT: Update the motion to dismiss.

10 THE COURT: So you would like to supplement it?

11 THE DEFENDANT: Yes.

12 THE COURT: All right. Mr. Stefanki, given that, I
13 would say hold off on filing an opposition.

14 How much time do you need to supplement the motion to
15 dismiss?

16 THE DEFENDANT: A week or two. Do I send it to 501,
17 Suite 4-200?

18 THE COURT: The -- again, I'm not the one to give you
19 that level of detail. The clerk's office with the court, but
20 don't take that as legal advice.

21 Mr. Baigmohammadi could probably assist you, in handing off
22 the files, to provide the correct information for getting
23 something on file.

24 Could you do that, Mr. Baigmohammadi?

25 MR. BAIGMOHAMMADI: Yes, your Honor.

1 THE COURT: All right. So at this point the motion
2 to dismiss is still held in abeyance.

3 I'll note, Mr. Saintillus, that you will supplement that
4 within two weeks, and so that would be by January 21st.

5 THE DEFENDANT: Okay. Could it be the 25th?

6 THE COURT: It could be the 28th.

7 THE DEFENDANT: Okay.

8 THE COURT: By January 28th any supplement or
9 substitute motion to dismiss will be on file. When you file
10 that, you need to make clear should the Court also be looking
11 at the original motion to dismiss, or are you completely
12 replacing it? Just make clear so we know what we're -- so the
13 government knows what it's responding to.

14 THE DEFENDANT: Yes.

15 THE COURT: All right?

16 THE DEFENDANT: Yes.

17 THE COURT: All right. The government has moved to
18 exclude time under the Speedy Trial Act, and I understand it's
19 requesting that time be excluded through February 28th, and I'm
20 construing that as a request based on what we call Local Code
21 T4. It's also federal statute 18 U.S.C. Section
22 3161(h)(7)(b)(iv), and that's a continuance granted to give
23 reasonable time to prepare, and the Court often excludes time
24 when there's new counsel. You are now new counsel.

25 So do you join in the request to exclude time through

1 February 28th?

2 THE DEFENDANT: I don't mind. But I'd like to add
3 Title 18, section 241, 242 that says no one has the right to
4 denaturalize on behalf of the Court or deprive any rights or
5 based on reason of color or race.

6 THE COURT: All right. But you are -- you agree to
7 exclude time through February 28th?

8 THE DEFENDANT: As long as the Court has everything
9 on record and I get the transcripts, sure.

10 THE COURT: Well, Mr. Baigmohammadi is going to get
11 you the file, but I'm not conditioning the exclusion of time on
12 anything. So the question -- I just need a yes or no so I'm
13 clear on your position. I ultimately make the decision here.
14 Are you agreeing to exclude time through February 28th to give
15 you --

16 THE DEFENDANT: I don't need time.

17 THE COURT: -- reasonable time to prepare?

18 THE DEFENDANT: I don't need time.

19 THE COURT: All right. Well, nonetheless, given that
20 you've said at the same time that you want to supplement the
21 motion to dismiss, you need time to review the files that
22 Mr. Baigmohammadi --

23 THE DEFENDANT: I don't need to review files.

24 THE COURT: Well, you've requested the files. I find
25 that there's sufficient information in the record to grant an

1 exclusion of time through February 28th of 2022, giving
2 reasonable time to prepare, given that, as of today, you are
3 representing yourself, you will be receiving the file soon, it
4 will be clarifying the motion to dismiss that's been pending
5 before the Court.

6 On February 28th we'll set this for status, but let's also
7 set it for discussion of trial dates. If Mr. Saintillus is not
8 willing to exclude time, then we need to go ahead and set trial
9 dates.

10 MR. BAIGMOHAMMADI: Understood, your Honor.

11 THE COURT: Mr. Saintillus, anything else?

12 THE DEFENDANT: Will I get my opportunity to be heard
13 in my full hearing to present all I need to present?

14 THE COURT: Once the motion is fully briefed, the
15 Court will hear that motion. And at the status we will discuss
16 anything else we need to. And, in particular, I'm telling you
17 now be prepared on February 28th to tell me your position as to
18 whether or not you're ready to go to trial. Because I could on
19 that date set a trial date if the speedy trial clock is not
20 going to be stopped, then we need to set a trial date, and I am
21 prepared to do that. I could go to trial promptly.

22 THE DEFENDANT: I'm Moorish-Haitian American, I am
23 trying to seek status of the Court. That must be investigated
24 before anything.

25 THE COURT: Well, if there's a motion that allows you

1 to consider that position, you can file it, but it must comply
2 with the rules, substantive law, and all the -- all the
3 policies applicable here.

4 THE DEFENDANT: Let the record reflect that I
5 challenge jurisdiction and status of the Court and my
6 nationality --

7 THE COURT: Let the record so reflect. I believe
8 we've accomplished what we need to this morning so I am going
9 to adjourn. We are in recess.

10 MR. STEFANKI: Thank you, your Honor.

11 THE CLERK: Court is adjourned.

12 (Proceedings adjourned: 9:43 a.m.)

13 ---oo---

14 I certify that the foregoing is a correct transcript from the
15 record of proceedings in the above-entitled matter.

16

17 /s/ Thresha Spencer
18 THRESHA SPENCER
CSR No. 11788, RPR

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